IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 259 OF 2007

John Philip Pereira .... Petitioner

V/s

1. The State of Goa,
through its Chief Secretary and 8 Ors. .... Respondents.

Mr. S. D. Padiyar, Advocate for the Petitioner.
Mr. S.S. Kantak, Advocate General with Ms. Rakhi Chodankar, Addl. Govt. Advocate for Respondents No. 1, 3, 4 & 5.
Mr. D. Pangam, Advocate for Respondent No.2.
Mr. Sudesh Usgaonkar, Advocate for Respondents No.6, 7, 8 & 9.

Coram : D.B. BHOSALE &
N.A. BRITTO, JJ.

Date : 26th November, 2007.

ORAL ORDER :

Heard learned Counsel for the parties.

2. We are satisfied that this petition can be conveniently disposed off by the following order:-

(i) Respondent No.2, the Panchayat has already issued show cause notice to Respondents No. 8 and 9 for illegal construction. They have already replied the show cause notice. However, the Panchayat has yet not decided the notice. In view thereof, Panchayat is directed to pass appropriate orders within 4 weeks from the date of receipt

of this order. If the orders passed by the Panchayat are adverse to Respondents No. 8 and 9, they shall remain stayed for a period of two weeks to enable them to adopt appropriate remedy, if any, available in law. It is open for the Petitioner to apply to the Panchayat seeking audience while deciding the show cause notice against Respondents No. 8 and 9.

(ii) Petitioner to make appropriate representation against Respondents No. 6 and 7 to the Deputy Director to the Panchayat under Section 66(5) of the Goa Panchayat Raj Act, 1994 within two weeks from today. If such a representation is made by the Petitioner, the same may be decided on merits in accordance with law, after giving an opportunity of being heard to all the concerned. The Deputy Director shall decide the representation made by the Petitioner within six months from today.

3. In view of these directions, the learned Counsel for the Petitioner does not press this petition. Petition disposed off as not pressed.

D.B. BHOSALE, J.

N.A. BRITTO, J.

NH/-